

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 10387 of 2004

Between:

Eruva Sanjeeva Reddy S/o Late Malla Reddy
11-4-309/1 Chilakalguda, Secunderabad .

..... PETITIONER

AND

- 1 The Joint Collector , Ranga Reddy District,
177-Khairatiabad, Hyd .,
- 2 The Revenue Divisional officer, Chevella Divsion, Ranga Reddy District
- 3 The Mandal Revenue Officer , Malkajgiri Mandal, Malkajgiri, Ranga Reddy District,

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the 3rd respondent under one pretext or others continuing the encroachers and not-implementing the orders passed by the R.D.O. Chevella Division dt. 5/07/1997 vide C.952/97 and joint Collector, Ranga Reddy district order dt. 21/02/2004 in Case No.D5/6467/97 & D5/5505/99 common order, is illegal, arbitrary and consequently direct the MRO Malkajgiri shall issue necessary legal heir certificates, succession, certificates, physical possession of the land In Sy.No.132,133,135 to 138 total extent of Ac. 5-01 Gts, in Neeredmet village, Malakajgiri Mandal, R.R.District to the Legal heirs of the deceased Joint Pattadars immediately

For the Petitioner: MR. METTU GOVARDHAN REDDY, Advocate.

For the Respondents: G.P. FOR REVENUE.

The Court Made the Following :

ORDER:

By this writ petition, the petitioner seeks a direction to the 3rd respondent to implement the orders dated 5-7-1997 of the 2nd respondent, as confirmed by the 1st respondent vide his orders dated 21-2-2004, and his legal heir certificate, succession certificate and to hand over physical possession of the land admeasuring Ac.5-01 guntas, situated in Sy. Nos. 132, 133 and 135 to 138 of Neeredmet Village, Malkajgiri Mandal, Ranga Reddy District.

The petitioner claims that his father late Sri. Eruva Malla Reddy and one late Sri. Chintakunta Muthyam Reddy, were joint pattadars of the aforementioned land during their lifetime. While so, the petitioner states that at the instance of some encroachers-third parties, respondent No.3 passed orders dated 16-2-1991 mutating their names in the revenue records. Thereagainst, the legal heirs of late Sri. Eruva Malla Reddy and one late Sri. Chintakunta Muthyam Reddy, filed appeal before the 2nd respondent, who vide his orders dated 5-7-1997 allowed the same. Pursuant thereto, the petitioner filed a case, seeking succession to the lands, while the third parties filed appeal against the orders of the 2nd respondent. The 1st respondent by reason of the order dated 21-2-2004, dismissed the appeal of the third parties and disposed of the case of the petitioner. It is the case of the petitioner that though pursuant to the orders of the 1st respondent, he made representation to the 3rd respondent on 20-3-2004, seeking implementation of the orders of the 2nd respondent, as confirmed by the 1st respondent, no action had been taken to implement the said orders. Hence, the present writ petition.

The learned Government Pleader for Revenue on instructions submitted that the representation dated 20-3-2004 filed by the petitioner is pending before the 3rd respondent.

Having regard to the fact that the representation dated 20-3-2004 is pending before the 1st respondent, the learned counsel for the petitioner as well as the learned Government Pleader for Revenue agreed for disposal of the writ petition with the following directions:

The 3rd respondent is directed to consider and dispose of the representation dated 20-3-2004 of the petitioner in the light of the orders passed by the 2nd

respondent as confirmed by the 1st respondent in his orders dated 21-2-2004, in accordance with law, as expeditiously as possible.

The writ petition is accordingly disposed of. No costs.

24-6-2004

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- 1 The Joint Collector , Ranga Reddy District,
177-Khairatiabad, Hyderabad
- 2 The Revenue Divisional officer, Chevella Divsion, Ranga Reddy District
- 3 The Mandal Revenue Officer , Malkajgiri Mandal, Malkajgiri, Ranga Reddy District,
4. Two CCs to G.P. for Revenue, High Court buildings (O.U.T)
5. Two C.D. copies